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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,125	11/28/2001	Gerald F. McBrearty	AUS9-2001-0372-US1	1470

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,125

Applicant(s)

MCBREARTY ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-3, 5, 7-15, 17, 19-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya et al. (U.S. Patent No. 6,826,593) in view of Gong (U.S. Patent No. 6,243,089).
4. Regarding claims 1, 13 and 23, Acharya discloses a management process, computer system, and computer-readable medium containing computer executable instructions (hereafter referred to collectively as a process) displaying cache status information about the cached documents when a user digitally points to an address associated with one or more cached documents. [Acharya, column 4, lines 46-63] Acharya fails to disclose indicating percentage of the document that was previously cached.
5. However, Gong discloses indicating percentage of the document that was previously cached. [Gong, Figure 4, Figure 5, column 4, lines 18-19]
6. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Acharya and Gong for the purpose of showing a user that the page displayed contains old information [has been cached] or new information. [Gong, column 1, lines 52-55]. Acharya gives motivation for the combination by stating that a user is likely to welcome receiving a different version of the file if it can be obtained quickly. [Acharya, column 3, lines 62-65] If a user knows that a document has old information but is substantially cached for quick access, then they would be able to make the decision to get the newer

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document that would have a longer download time or to get the cached or substantially cached old document that could be retrieved quickly.

7. In specific regard to claim 13, both Acharya and Gong fail to disclose permanently displaying cache status information and selecting how information is displayed using a dialog box. It would have been further obvious to one of ordinary skill in the art that if information could be displayed by rolling over the address with a mouse, that it could be permanently displayed since HTML browsers allow for both dynamic display of information through mouseovers and through displaying information in many places in a webpage such as a frame, the title bar, etc. It would be even further obvious to one of ordinary skill in the art that since dialog boxes are notoriously well known to select methods of displaying information for over twenty years preceding the invention, that a dialog box could be used with the Acharya/Gong combination to allow a user easier control over the program.
8. By this rationale claims 1, 13 and 23 are rejected.
9. Regarding claims 2 and 14, Acharya in view of Gong is applied as in claims 1 and 13. It is inherent to the Examiner that selecting a hyperlink in Acharya involves rolling a cursor over the address to digitally point to the address. By this rationale claims 2 and 14 are rejected.
10. Regarding claims 3 and 15, Acharya discloses the cache status information includes document availability. [Acharya, column 5, lines 1-5]. By this rationale claims 3 and 15 are rejected.
11. Regarding claims 5 and 17, Acharya discloses the cache status information includes the date the document was cached. [Acharya, column 3, lines 25-29] By this rationale claims 5 and 17 are rejected.
12. Regarding claim 7, Acharya is applied as in claim 1. Acharya further discloses creating a time stamp associated with the computer system and reporting it as the date the document was cached. [Acharya, column 3, lines 25-29] By this rationale claim 7 is rejected.
13. Regarding claims 8, 19 and 25, Acharya discloses the document is a World Wide Web page that is accessed by an Internet browser and the addresses are uniform resource locators pointing to

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- other World Wide Web pages. [Acharya, column 8, lines 58-66] By this rationale claims 8, 19 and 25 are rejected.
14. Regarding claim 9, Acharya discloses loading the cached documents from a network connection. [Acharya, column 10, lines 4-26] By this rationale claim 9 is rejected.
15. Regarding claims 10, 20 and 27, Acharya is applied as in claims 1, 13 and 23. Acharya further discloses providing load options including loading the cached document. [Acharya, column 4, line 64 – column 5, line 5] By this rationale claims 10, 20 and 27 are rejected.
16. Regarding claims 11-12, 21-22, and 28-29, Acharya in view of Gong is applied as in claims 1, 13, and 23. Acharya fails to disclose providing visual indicators showing if the document is partially or fully cached.
17. However, Gong discloses a color-coded visual indication that the document is partially or fully cached. [Gong, column 4, lines 1-21]
18. The motivation for this combination is the same as the motivation used in claims 4 and 16. By this rationale claims 11-12, 21-22, 24 and 28-29 are rejected.
19. Regarding claim 24, Acharya in view of Gong is applied as in claim 23. Acharya fails to disclose a status bar for displaying the status information when a user digitally rolls a cursor over an address associated with the stored documents.
20. However, Gong discloses a status bar to display messages. [Gong, column 3, lines 47-49]
21. The motivation for this combination is the same as the motivation used in claims 4 and 16. By this rationale claim 24 is rejected.
22. Claims 6, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya in view of Gong and in further view of Banga et al. (U.S. Pub. No. 2001/0020248).
23. Regarding claims 6, 18 and 26, Acharya in view of Gong is applied as in claims 1, 13 and 23. Acharya fails to disclose comparing sizes of documents to cached documents.

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24. However, Banga discloses comparing the difference in a document that has been cached to the size of the actual document. [Banga, page 2, paragraphs 0026-0027]
25. It would be obvious to one of ordinary skill in the networking art to combine the teachings of Banga and Acharya in order to report the difference in the cached document and the actual document. [Banga, page 2, paragraph 0026] Acharya gives motivation for the combination by stating users would welcome a smaller version of a file that could be retrieved quickly compared to the full version of a file. [Acharya, column 3, lines 62-65] By this rationale claims 6, 18 and '26 are rejected.

Response to Arguments

26. Applicant's arguments filed 5/9/2005 have been fully considered but they are not persuasive.
27. Applicant's modifications to the claims have overcome the rejections under 35 U.S.C. 112.
28. Applicant has mischaracterized the MPEP with regard to the Gong reference. Although the earlier office action mistakenly states the Gong reference is only qualified under 35 U.S.C. 102(e) (see office action of 11/28/2001, paragraph 31), the actual date of the reference qualifies it as art under 35 U.S.C. 102(a). Therefore, according to MPEP 706.02, subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. The Gong art is valid and the rejection is maintained.
29. Applicant argues that Acharya fails to disclose "...displaying cache status information about the cached documents when a user digitally points to an address associated with one or more of the cached documents." Applicant states that "[i]n contrast, Acharya et al. merely disclose that a user '...can request the transmission of a file such as through the selection of a hyperlink on a web page currently being viewed.'" It is the Examiner's contention that the selection of a hyperlink consists of a user digitally pointing [selection of] to an address [hyperlink].

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30. The Examiner believes that this response answers each and all of Applicant's traversals.

Objections to the specification and drawings have been withdrawn.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gong

U.S. Patent No. 5,821,927

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


-Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTS


PATRICE WINDER
PRIMARY EXAMINER